

Message Text

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54

ORIGIN EA-09

INFO OCT-01 ISO-00 SSO-00 USIE-00 CIAE-00 PM-04 H-02

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DRAFTED BY EA/PHL:JELAKE:KA

APPROVED BY EA:RHMILLER

PM:ISO:GCHURCHILL (DRAFT)

L/EA:EGVERVILLE (DRAFT)

DOD/ISA:KBLEAKLEY (DRAFT)

EUR/SE:RRDELABARRE (SUBSTANCE)

OPR/LS:TSIERRA (SUBSTANCE)

EA/PHL:BAFLECK

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA IMMEDIATE

INFO SECDEF

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C O N F I D E N T I A L STATE 187099

MANILA FOR USDEL, CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS: MARR, RP

SUBJ: PHILIPPINE BASE NEGOTIATIONS: A QUESTION OF
LANGUAGE

REF: MANILA 10893 USDEL 153

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1. WE WERE ALSO STUNNED BY ROMUALDEZ'S INFORMAL SUGGESTION THAT THE AGREEMENT BE CONCLUDED IN ENGLISH AND PHILIPINO. YOU TOUCHED ON THE BASIC PROBLEM WHEN YOU SUGGESTED TO ROMUALDEZ THAT THE ABSENCE OF ANY PILIPINO PHILOLOGISTS IN THE U.S. BUREAUCRACY WOULD CREATE DIFFICULTIES. IN ORDER TO SIGN AN AGREEMENT IN ENGLISH AND A FOREIGN LANGUAGE IN WHICH THE TWO LANGUAGES HAVE EQUAL AUTHENTICITY, WE MUST HAVE A RESPONSIBLE OFFICER CERTIFY THAT THE TWO TEXTS HAVE BEEN COMPARED AND ARE EXACTLY ALIKE. THIS FUNCTION IS NORMALLY PERFORMED BY THE LANGUAGE SERVICES DIVISION IN THE DEPT AND WE UNDERSTAND THAT IT IS UNLIKELY ANYONE WOULD BE AVAILABLE WHO CAN MAKE SUCH A CERTIFICATION IN PILIPINO. IN THE ABSENCE OF SUCH A CERTIFICATION, WE ARE REQUIRED TO STATE IN THE AGREEMENT -- A CLASSIFIED EXCHANGE OF NOTES IS NOT ACCEPTABLE -- THAT THE ENGLISH VERSION WILL BE AUTHORITATIVE.

2. THEREFORE, YOU SHOULD INFORM ROMUALDEZ THAT WHILE WE APPRECIATE THE PUBLIC RELATIONS ASPECTS OF SIGNING AN AGREEMENT IN BOTH LANGUAGES, IT WOULD APPEAR TO BE IMPOSSIBLE FOR US AND WE BELIEVE THE AGREEMENT SHOULD BE WRITTEN ONLY IN ENGLISH, AN OFFICIAL LANGUAGE OF THE PHILIPPINES. (FYI. THERE ARE EXAMPLES OF SIMILAR AGREEMENTS IN OTHER COUNTRIES WHERE ENGLISH IS ONE, BUT NOT THE ONLY, OFFICIAL LANGUAGE, E.G., A 1975 AGRICULTURAL COMMODITIES AGREEMENT, A 1974 AGREEMENT ON PL 480 FUNDS, AND A 1974 AGREEMENT ON CONSOLIDATION AND RESCHEDULING OF DEBTS OWED THE USG WITH INDIA.) ALTERNATIVELY YOU MAY OFFER TO HAVE TEXTS IN BOTH PILIPINO AND ENGLISH WITH THE ENGLISH VERSION IDENTIFIED IN THE AGREEMENT AS THE AUTHORITATIVE TEXT -- BUT WE ASSUME THE GOP WILL NOT FIND THIS ACCEPTABLE. (FYI. THIS APPROACH WAS USED IN SEVERAL CASES, E.G., A 1975 AGREEMENT ON AGRICULTURAL COMMODITIES WITH SRI LANKA; LOAN AGREEMENTS WITH THE DOMINICAN REPUBLIC, HONDURAS, GUATEMALA AND GABON IN 1974, 1975, AND 1976 RESPECTIVELY; AND A 1974 GRANT AGREEMENT RELATING TO DROUGHT RECOVERY WITH MALI. WE HAVE ALSO IDENTIFIED EXAMPLES WHERE A TREATY WAS CONCLUDED ONLY IN ENGLISH WITH A COUNTRY WHICH DOES NOT RECOGNIZE ENGLISH AS AN OFFICIAL LANGUAGE, E.G., A 1972 AGREEMENT FOR CONFIDENTIAL

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COOPERATION IN CIVIL USES OF ATOMIC ENERGY AND A 1975 AGREEMENT RELATING TO TEXTILES WITH THE REPUBLIC OF CHINA; A 1973 AGREEMENT RELATING TO GRANT MILITARY ASSISTANCE AND A 1962 AGREEMENT ESTABLISHING A PEACE CORPS PROGRAM WITH NEPAL.)

3. RE THE TURKISH AGREEMENT, THE TURKISH GOVT FURNISHED A TEXT IN TURKISH WHICH IT WROTE AS NEGOTIATIONS WERE IN

PROGRESS AND WE HAVE ASSETS WITHIN THE USG WHO COULD
ATTEST TO ITS ACCURACY. KISSINGER

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